

**BEDFORD CONSERVATION COMMISSION**  
**Minutes of Meeting**  
**September 28, 2016**  
**Selectmen's Conference Room**  
**Town Hall, Bedford, MA**

**PRESENT:** Steven Hagan, Chair; John Britton, Vice-Chair; Joseph Guardino, Clerk; Allan Wirth; Tim Gray; Andreas Uthoff  
Elizabeth Bagdonas, Conservation Administrator;  
Stephanie Ide, Conservation Department Assistant

**ABSENT:** Lori Eggert

The meeting was called to order at 7:00 pm.

**Request for Determination of Applicability: 200 Avalon Drive**

Mr. Fred Keeler of HW Moore was present before the Commission along with two representatives of AvalonBay Communities to discuss the proposed installation of a retaining wall, patio, sidewalks, masonry grill structure and the restoration of disturbed lawn and garden bed areas within the 100-foot buffer zone to bordering vegetated wetland. The sidewalks and patio area are proposed to be done in concrete which would increase the impervious surface on the site to 26.3%. Mr. Gray requested that the patio area and sidewalks be constructed with pervious pavers therefore not increasing the impervious surface for the site and maintaining the existing percentage of 26% which was set by the comprehensive permit for the property. The representative of AvalonBay Communities agreed to use pervious pavers.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a negative Determination for reason 3 and a positive Determination for reason 5 with the condition that pervious pavers will be used where concrete was proposed. The motion passed 6-0-0, after which the Determination was signed.

**Request for Determination of Applicability: 392 Great Road**

Ms. Pamela Brown of Brown & Brown, PC and Mr. Sonny Ferrante of Ferrante Construction were present before the Commission to discuss whether an area on the property located at 392 Great Road is under the Commission's jurisdiction. Ms. Brown stated that there is an Isolated Wetland shown on the Town GIS maps. She continued to say that this 30' x 40' area was excavated several years ago for a barn addition that was never constructed and the foundation was never poured therefore leaving the excavated area open to the elements. Ms. Bagdonas stated that she had once had a conversation with Ms. Mimi Adler about a stream that once flowed directly down from the Gray Terrace area to what is now the

Frost Conservation Area. Ms. Bagdonas thought it might once have flowed into the property before it was diverted for the construction in the area several decades ago. Ms. Bagdonas suggested that the debris surrounding the hole be removed so that a better evaluation of the plant life in the hole can be done. Ms. Brown stated that the area was evaluated by Ms. Mary Trudeau who wrote in her memo to the Commission that she found no evidence of hydric soils, a few upland plants and no connections to any nearby streams. Mr. Gray stated that it does not seem unreasonable to remove the debris to get a better look at the hole. The Commission discussed receiving a more detailed wetland report from Ms. Trudeau. Ms. Brown said that Ms. Trudeau's memo should be enough but asked if the Commission could conclude that the excavated area is not a wetland contingent upon the receipt of a formal wetland report from Ms. Trudeau.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to issue a negative Determination for reason 1 and a positive Determination for reason 5 contingent upon the receipt of a formal wetland report from Ms. Trudeau. The motion passed 6-0-0, after which the Determination was signed.

### **Request for Determination of Applicability: 18 Ashby Road**

Ms. Lyndsey Colburn and Mr. Brian Couture of Environmental Resources Management and Mr. Norman Delorey of EMD Millipore were present before the Commission to discuss the proposed demolition of two buildings and the installation of lawn within the 100-foot buffer zone to bordering land subject to flooding. Ms. Colburn stated that both silt sacks and silt fencing will be used to protect all catch basins while the site work occurs. Once the buildings are removed along with the foundations the areas will be filled with clean soil and seeded. Ms. Bagdonas recommended that the delineation that was done by Environmental Resources Management not be approved under the Determination but be reviewed under an ANRAD.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a positive Determination for reason 2B and 5 and a negative Determination for reason 3 with the following conditions:

1. A pre-construction site visit shall be held with the contractor.
2. A detailed demolition schedule shall be submitted to the Commission at a regular scheduled meeting.
3. An Environmental Site Supervisor shall be approved by the Commission.

The motion passed 6-0-0, after which the Determination was signed.

### **Notice of Intent – 5 Curve Street:**

Ms. Leah Basbanes of Basbanes Consulting and Mr. Garo Garabedian of 5 Curve Street were present before the Commission to discuss the proposed installation of a lawn, restoration of buffer zone, construction of a deck and replacement and repair of existing driveway within bordering land subject to flooding and the 100-foot buffer zone to bordering vegetated wetland. Ms. Basbanes stated that this Notice of Intent is meant to address the work that was done in the backyard without a permit as well as the construction of a deck and replacement of a small portion of driveway. The flood elevation on the property is 114.8 and has been surveyed showing the same elevation. The applicant had already removed turf and

some debris that was left by a previous owner. An area to be restored is located between wetland flags 9, 10 and 11. A small area to the right of the property will be graded to compensate for any flood loss storage due to the construction of four footings that will be located within the floodplain to support the proposed deck. There was an extensive conversation amongst the Commission about the elevations of the back yard and how to tell whether the elevations now are the same as they were before the lawn was done.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to close the public hearing. The motion passed 6-0-0. The Order of Conditions will be discussed at the meeting of October 12, 2016.

### **82 Springs Road:**

Mr. Sonny Ferrante was present before the Commission to discuss Mr. Gray's concern about the site. Mr. Ferrante has removed the stone pile and explained that he will not be altering grades on the site. The yard will be scraped of any existing root systems, clean loam will be used keeping the elevations the same and the area will be seeded. Mr. Ferrante asked about the installation of a fence on the property. The Commission explained that the installation of a fence within the buffer zone to wetland will require the filing of a Request for Determination of Applicability. Mr. Ferrante will submit an application for the proposed fence for the meeting of October 26, 2016.

### **Minutes:**

A motion was made by Mr. Gray and seconded by Mr. Guardino to approve the minutes of September 14, 2016 as written. The motion passed 6-0-0.

### **175 South Road:**

Ms. Bagdonas explained that she has been in contact with the contractor of 175 South Road regarding pre-construction requirements that were not completed. Mr. Salem took care of all requirements that he had previously not met.

### **Pre-Construction Site Visit Standards:**

Ms. Bagdonas explained that pre-construction requirements of the Order of Conditions are being overlooked. Ms. Bagdonas told the Commission that she would like all pre-construction requirements of the Order satisfied prior to the pre-construction site visit taking place. The Commission agreed.

### **Fertilizer Use in the Buffer Zone:**

The Commission reviewed an old handout about the use of fertilizers within the buffer zone. Mr. Guardino asked how use of fertilizer within the buffer zone can be enforced. Ms. Bagdonas stated that it cannot be enforced unless use of materials is clearly observed. Mr. Uthoff stated that the handout is meant to be informational, it's not about enforcement.

Ms. Bagdonas will speak to Ms. Janet Powers requesting updated information on the use of fertilizers.

*A motion was made by Mr. Gray and seconded by Mr. Guardino to adjourn the meeting. The motion passed 6-0-0.*

*Meeting adjourned at 8:52 p.m.*

*Minutes prepared by Stephanie Ide.*

*Minutes approved at meeting of October 12, 2016.*